

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

GARY WAYNE SUTTON	)	
	)	
<i>Petitioner,</i>	)	
v.	)	No. 3:06-cv-388
	)	(VARLAN/SHIRLEY)
RICKY BELL, WARDEN,	)	
	)	DEATH PENALTY
<i>Respondent.</i>	)	

**ORDER**

Petitioner Gary Wayne Sutton (“Sutton”), a state prisoner confined in the Riverbend Maximum Security Institution in Nashville, Tennessee under a sentence of death, has filed a petition for the writ of habeas corpus brought pursuant to 28 U.S.C. § 2254 (Doc. 14). Petitioner filed his first motion for discovery on May 18, 2007 (Doc. 15). Petitioner filed a motion to amend his discovery motion (Doc. 25) on July 9, 2007, which is **GRANTED** (Doc. 25).<sup>1</sup> Respondent’s response to Petitioner’s first motion for discovery was due on Monday, June 4, 2007. Upon motion of the Respondent the Court conducted a second scheduling conference and amended the scheduling order in several respects (Doc. 28). The amended scheduling order required Respondent to file a response to the discovery motion on August 20, 2007.

Subsequent to email discussions between the parties and the Court, the parties have filed a joint motion requesting to extend the time for Respondent to file a response to the amended motion for discovery and to extend the time for Petitioner to file a motion to expand the record (Doc. 32).

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<sup>1</sup> The amended motion was also filed on July 9, 2007 (Doc. 26))

For good cause shown, the motion for an extension of time is **GRANTED** (Doc. 32). Accordingly, Respondent **SHALL** file a response to Petitioner's discovery motion on or before **August 24, 2007, no later than 4:00 p.m.** Any motion filed by Petitioner to expand the record **SHALL** be filed on or before **September 7, 2007**. Absent an emergency, this will be the last extension granted to change any of the dates in the amended scheduling order.

SO ORDERED.

E N T E R :

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge